

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RAYMOND MARIOLLE,

No. C 09-1209 MMC

Plaintiff,

**ORDER RE: DEFENDANT VOLVO'S
MOTION FOR STAY OF ENFORCEMENT
OF JUDGMENT; SETTING BRIEFING
SCHEDULE**

v.

VOLVO GROUP NORTH AMERICA, INC.,
et al.,

Defendants.

Before the Court is the "Ex Parte Motion by Defendant Volvo Trucks North America, Inc. ["Volvo"] for an Order Staying Enforcement of the Judgment Pending the Filing of a Supersedeas Bond, Or Alternatively, for an Order Shortening Time to Hear a Motion Thereon," filed October 19, 2012.

Contrary to its title, however, the relief sought thereby is not appropriate for consideration on an ex parte basis. See Civil L.R. 7-10 (providing for ex parte motion only if authorized by "statute, Federal Rule, local rule or Standing Order" and requiring "citation to the statute, rule or order which permits the use of an ex parte motion to obtain the relief sought").

Nor can said motion be construed as a motion for administrative relief. See Civil L.R. 7-11 (providing for motion "with respect to miscellaneous administrative matters, not otherwise governed by a federal statute, Federal or local rule or standing order," such as "motions to exceed otherwise applicable page limitations or motions to file documents

1 under seal"); see also Fed. R. Civ. P. 62 (setting forth circumstances under which stay of
2 execution of judgment may be obtained and procedure for filing supersedeas bond).

3 Accordingly, the Court hereby SETS the following briefing schedule:


4 1. Plaintiffs shall file any opposition no later than October 30, 2012.

5 2. Volvo shall file its reply, if any, no later than November 2, 2012.

6 3. Unless otherwise ordered, the matter will stand submitted on November 2, 2012,
7 or the date on which Volvo files its reply, whichever is earlier.

8 **IT IS SO ORDERED.**

9
10 Dated: October 25, 2012


MAXINE M. CHESNEY
United States District Judge